



Entered on Docket  
August 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Second Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Whole or In Part Upon  
Investment In The Fiesta Murietta Loan**

Hearing Date: July 26, 2011  
Hearing Time: 1:30 p.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Fiesta Murietta Loan." ("Fiesta Murietta Loan") [DE 8471] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed, the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Fiesta Murietta Loan; and  
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8471] is sustained; and  
5 2. The claims listed on **Exhibit A** attached, are disallowed to the extent those  
6 claims are based upon an investment in the Fiesta Murietta Loan.

7 PREPARED AND RESPECTFULLY SUBMITTED BY:

8 **LEWIS AND ROCA LLP**  
9

10 By /s/ John Hinderaker  
11 Robert M. Charles, Jr.  
12 John Hinderaker (*pro hac vice*)  
13 3993 Howard Hughes Parkway, Ste. 600  
14 Las Vegas, Nevada 89169-5996  
15 Telephone: (702) 949-8320  
16 Facsimile: (702) 949-8321

17 *Attorneys for USACM Liquidating Trust*  
18  
19  
20  
21  
22  
23  
24  
25  
26

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- \_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).  
XXX No party appeared at the hearing or filed an objection to the motion.  
 \_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
 LEWIS AND ROCA LLP

By: /s/ John Hinderaker.  
 Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Fiesta Murrieta  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount Relating to the Fiesta Development - Murrieta Loan</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Fiesta Development - Murrieta Loan</b>
10725-01623	12/8/2006	Addes, Kenneth IRA	100 W Broadway Apt 7V Long Beach, NY 11561	380,878.66	100,000.00
10725-00650	10/19/2006	Alamo Family Trust Dtd 12/30/86	C/O Antonio C Alamo Trustee 85 Ventana Canyon Dr Las Vegas, NV 89113	1,500,000.00	400,000.00
10725-01408	12/4/2006	Alexander Ind & As Trustees, Stanley & Florence	P.O. Box 95144 Longwood, FL 32779	400,000.00	25,000.00
10725-02311	1/13/2007	Benefit Of Kantor Nephrology Cons Ltd 401K PSP	Gary L Kantor Tte C/O Michael M Schmahl, McGuire Woods LLP 77 W Wacker Dr, Suite 4100 Chicago, IL 60601	Unknown	Unknown
10725-02334	1/13/2007	Davis Family Trust	C/O Joseph Davis & Marion Sharp Co-Trustees 3100 Ashby Ave Las Vegas, NV 89102-1908	1,500,000.00	50,000.00
10725-02333	1/13/2007	Davis Investments	20 Leroy Terrace New Haven, CT 06512	2,000,000.00	100,000.00
10725-02011	1/12/2007	G&L Trust Dated 11/25/91	C/O Laurel E Davis Lionel Sawyer & Collins 300 South Fourth St., Suite 1700 Las Vegas, NV 89101	Unknown	Unknown
10725-02359	1/16/2007	Janice A Lucas IRA	1310 Secret Lake Loop Lincoln, CA 95648-8412	152,121.34	50,000.00
10725-02124	1/11/2007	Joy Investment Inc A Nevada Corporation	5280 S Eastern Ave., Suite D-3 Las Vegas, NV 89119 and 8080 Harborview Road Blaine, WA 98230	1,818,940.00	200,000.00
10725-00893	10/31/2006	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	853,678.82	101,981.98

**EXHIBIT A**

2404521.1

**USACM Trust  
Fiesta Murrieta  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount Relating to the Fiesta Development - Murrieta Loan</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Fiesta Development - Murrieta Loan</b>
10725-02325	1/13/2007	Kantor, Dr Gary L	C/O Michael M Schmahl Schmahl, Mcguirewoods LLP 77 W Wacker Dr. Ste 4100 Chicago, IL 60601	Unliquidated	Unliquidated

**EXHIBIT A**

2404521.1